

REMARKS

Reconsideration of this application is respectfully requested.

This application has been reviewed in light of the Office Action dated January 10, 2005. Claims 2-6 are currently pending.

In the Office Action, Claims 2-6 have now been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over the Admitted Prior Art (APA) in view of U.S. Patent No. 6,466,563 ("*Yamada*").

As indicated above, independent Claims 2 and 5 have been rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over APA in view of *Yamada*. More specifically, the Examiner asserts that the APA teaches that dedicated physical data is transmitted over the DPDCH and that control information, such as pilot bits and TFCI bits, are transmitted over the DPCCH. Further, the Examiner asserts that *Yamada* teaches gating control data (PLs and TPCs) by using a switch 309, when there is no data to be transmitted. Moreover, the Examiner is asserting that it would be obvious to combine the teachings of the APA and *Yamada* to provide a system in which the transmission of the control information is gated on the DPCCH. However, it is respectfully submitted that the Examiner is incorrect.

As presented in our previous responses, the present invention is directed to gating transmission of DPCCH information using a channel code different from the DPDCH, when there is no DPDCH data. For example, as illustrated in FIGs. 7A and 7B of the present application, DPCCH information is transmitted during *only a partial duration* and is not transmitted during the other durations when gating transmission is performed, i.e., DC is not 1/1.

On the contrary, *Yamada* teaches to keep transmitting PL/TPC, even after starting the gated transmission as illustrated in FIGs. 3, 5, 7, and 9. That is, the PL/TPC, which corresponds to the DPCCH control information in the present application, is continuously transmitted even though

there is no data.

Accordingly, it is respectfully submitted that *Yamada* does not teach gating transmission of the control information *in a partial duration of a predetermined one of the slots* of the DPCCH, as is recited in Claims 2 and 5, and that the features of *Yamada* are the same as those disclosed in the *APA*. Therefore, it is respectfully submitted that independent Claims 2 and 5 are distinguishable from the *APA* in view of *Yamada*.

As independent Claims 2 and 5 are believed to be in condition for allowance, it is respectfully submitted that dependent Claims 3-4 and 6 are also in condition for allowance as being dependent upon independent Claims 2 and 5, respectively.

In view of the preceding remarks, it is respectfully submitted that all pending claims, namely Claims 2-6, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Peter G. Dilworth", written over a horizontal line.

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